
By: **Delegates Smigiel, Boutin, Sossi, and Walkup**
Introduced and read first time: January 29, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Cecil County - Issuance of Handgun Permits**

3 FOR the purpose of requiring the Secretary of State Police to issue a handgun permit
4 within a reasonable time to a resident applicant of Cecil County who has stated,
5 under oath, on the application for a permit that the applicant meets certain
6 criteria; and generally relating to the Secretary's issuance of handgun permits to
7 resident applicants of Cecil County.

8 BY repealing and reenacting, with amendments,
9 Article - Public Safety
10 Section 5-306
11 Annotated Code of Maryland
12 (2003 Volume)

13 BY adding to
14 Article - Public Safety
15 Section 5-306.1
16 Annotated Code of Maryland
17 (2003 Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Public Safety**

21 5-306.

22 (a) [Subject] EXCEPT AS PROVIDED IN § 5-306.1 OF THIS SUBTITLE AND
23 SUBJECT to subsection (b) of this section, the Secretary shall issue a permit within a
24 reasonable time to a person who the Secretary finds:

25 (1) is an adult;

26 (2) (i) has not been convicted of a felony or of a misdemeanor for which
27 a sentence of imprisonment for more than 1 year has been imposed; or

1 (ii) if convicted of a crime described in item (i) of this item, has been
2 pardoned or has been granted relief under 18 U.S.C. § 925(c);

3 (3) has not been convicted of a crime involving the possession, use, or
4 distribution of a controlled dangerous substance;

5 (4) is not presently an alcoholic, addict, or habitual user of a controlled
6 dangerous substance unless the habitual use of the controlled dangerous substance is
7 under legitimate medical direction; and

8 (5) based on an investigation:

9 (i) has not exhibited a propensity for violence or instability that
10 may reasonably render the person's possession of a handgun a danger to the person or
11 to another; and

12 (ii) has good and substantial reason to wear, carry, or transport a
13 handgun, such as a finding that the permit is necessary as a reasonable precaution
14 against apprehended danger.

15 (b) An applicant under the age of 30 years is qualified only if the Secretary
16 finds that the applicant has not been:

17 (1) committed to a detention, training, or correctional institution for
18 juveniles for longer than 1 year after an adjudication of delinquency by a juvenile
19 court; or

20 (2) adjudicated delinquent by a juvenile court for:

21 (i) an act that would be a crime of violence if committed by an
22 adult;

23 (ii) an act that would be a felony in this State if committed by an
24 adult; or

25 (iii) an act that would be a misdemeanor in this State that carries a
26 statutory penalty of more than 2 years if committed by an adult.

27 5-306.1.

28 (A) THIS SECTION APPLIES ONLY TO APPLICANTS WHO ARE RESIDENTS OF
29 CECIL COUNTY APPLYING FOR A PERMIT.

30 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE SECRETARY SHALL
31 ISSUE A PERMIT WITHIN A REASONABLE TIME TO AN APPLICANT WHO HAS STATED,
32 UNDER OATH, ON THE APPLICATION FOR A PERMIT THAT THE APPLICANT:

33 (1) IS AN ADULT;

1 (2) (I) HAS NOT BEEN CONVICTED OF A FELONY OR OF A
2 MISDEMEANOR FOR WHICH A SENTENCE OF IMPRISONMENT FOR MORE THAN 1
3 YEAR HAS BEEN IMPOSED; OR

4 (II) IF CONVICTED OF A CRIME DESCRIBED IN ITEM (I) OF THIS
5 ITEM, HAS BEEN PARDONED OR HAS BEEN GRANTED RELIEF UNDER 18 U.S.C. § 925(C);

6 (3) HAS NOT BEEN CONVICTED OF A CRIME INVOLVING THE
7 POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE;

8 (4) IS NOT PRESENTLY AN ALCOHOLIC, ADDICT, OR HABITUAL USER OF
9 A CONTROLLED DANGEROUS SUBSTANCE UNLESS THE HABITUAL USE OF THE
10 CONTROLLED DANGEROUS SUBSTANCE IS UNDER LEGITIMATE MEDICAL DIRECTION;
11 AND

12 (5) BASED ON AN INVESTIGATION:

13 (I) HAS NOT EXHIBITED A PROPENSITY FOR VIOLENCE OR
14 INSTABILITY THAT MAY REASONABLY RENDER THE PERSON'S POSSESSION OF A
15 HANDGUN A DANGER TO THE PERSON OR TO ANOTHER; AND

16 (II) HAS GOOD AND SUBSTANTIAL REASON TO WEAR, CARRY, OR
17 TRANSPORT A HANDGUN, SUCH AS A FINDING THAT THE PERMIT IS NECESSARY AS A
18 REASONABLE PRECAUTION AGAINST APPREHENDED DANGER.

19 (C) AN APPLICANT UNDER THE AGE OF 30 YEARS IS QUALIFIED ONLY IF THE
20 APPLICANT HAS STATED, UNDER OATH, ON THE APPLICATION FOR A PERMIT THAT
21 THE APPLICANT HAS NOT BEEN:

22 (1) COMMITTED TO A DETENTION, TRAINING, OR CORRECTIONAL
23 INSTITUTION FOR JUVENILES FOR LONGER THAN 1 YEAR AFTER AN ADJUDICATION
24 OF DELINQUENCY BY A JUVENILE COURT; OR

25 (2) ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR:

26 (I) AN ACT THAT WOULD BE A CRIME OF VIOLENCE IF COMMITTED
27 BY AN ADULT;

28 (II) AN ACT THAT WOULD BE A FELONY IN THIS STATE IF
29 COMMITTED BY AN ADULT; OR

30 (III) AN ACT THAT WOULD BE A MISDEMEANOR IN THIS STATE THAT
31 CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS IF COMMITTED BY AN
32 ADULT.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2004.